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First regular session of 1990
Agenda item 5

SOCIAL DEVELOPMENT

Report of the Second (Social) Committee (Part I)

1. The Second (Social) Committee considered the question of social development (agenda item 5) at its 8th to 14th and ___ meetings, from 8 to 11 and 15 to ___ May 1990. It had before it the following documents:

(a) Report of the Secretary-General containing the supplement to the 1989 Report on the World Social Situation (A/45/137-E/1990/35);

(b) Letter dated 11 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/45/275-E/1990/74);

(c) Letter dated 15 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/45/276-E/1990/88);

(d) Letter dated 1 February 1990 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General (E/1990/19);

(e) Report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31 and Add.1); 1/

(f) Report of the Secretary-General on crime prevention and criminal justice (E/1990/36);

1/ To be issued as Official Records of the Economic and Social Council, 1990, Supplement No. 10.

(g) Report of the Secretary-General on capital punishment (E/1990/38 and Corr.1);

(h) Statement submitted by Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/1990/NGO/3).

2. At the 8th to 12th meetings, the Committee held a general discussion on the item. At the 8th meeting, on 8 May, the Committee heard an introductory statement by the Chief of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs.

3. Also at the 8th meeting, statements were made by the representatives of Sweden, Venezuela and Cuba.

4. At the 9th meeting, on 9 May, the Chief of the Crime Prevention and Criminal Justice Branch made a statement, in which he informed the Committee that, in the light of the observations made by the representative of Cuba at the 8th meeting, the report on capital punishment (E/1990/38 and Corr.1) would be revised.

5. Also at the 9th meeting, statements were made by the representatives of the Ukrainian Soviet Socialist Republic, Mexico, Czechoslovakia, the United States of America, Finland (on behalf of the Nordic countries), China and Zambia. The observers for the International Confederation of Free Trade Unions and the World Federation of Trade Unions, non-governmental organizations in consultative status with the Council, category I, also made statements.

6. At the 10th meeting, on 10 May, statements were made by the representatives of Indonesia, Tunisia, Ghana, New Zealand, Cameroon, Cuba, Algeria and Kenya and the observers for the Byelorussian Soviet Socialist Republic, Chile and Egypt.

7. At the 11th meeting, on 11 May, statements were made by the representatives of Ecuador, Guinea, the Union of Soviet Socialist Republics, Nicaragua, Bahrain, Japan and Pakistan and the observers for Australia and Peru.

8. At the 12th meeting, on 15 May, a statement was made by the Under-Secretary-General for Social Development and Humanitarian Affairs.

Recommendations contained in the report of the Committee on Crime Prevention and Control

9. Chapter I of the report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31) contained seven draft resolutions and one draft decision recommended for adoption by the Council. It also contained a decision of the Committee that called for action by the Council. Programme budget implications of the proposals were set out in annex III to the report.

United Nations surveys of criminal justice

10. At the 11th meeting, on 11 May, the Committee adopted draft resolution I, entitled "United Nations surveys of criminal justice" (see para. 38 below, draft resolution I).

Technical co-operation in the field of crime prevention and criminal justice

11. At the 11th meeting, on 11 May, the Committee adopted draft resolution II, entitled "Technical co-operation in the field of crime prevention and criminal justice" (see para. 38 below, draft resolution II).

Prison education

12. At the 11th meeting, on 11 May, the Committee adopted draft resolution III, entitled "Prison education" (see para. 38 below, draft resolution III).

Implementation of United Nations standards and norms in crime prevention and criminal justice

13. At the 11th meeting, on 11 May, the Committee adopted draft resolution IV, entitled "Implementation of United Nations standards and norms in crime prevention and criminal justice" (see para. 38, below, draft resolution IV).

Victims of crime and abuse of power

14. At the 11th meeting, on 11 May, the Committee adopted draft resolution V, entitled "Victims of crime and abuse of power" (see para. 38 below, draft resolution V).

Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

15. At the 11th meeting, on 11 May, the representative of Italy orally proposed an amendment to draft resolution VI, entitled "Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". The amendment called for the replacement of operative paragraph 8, which read:

> "8. Urges all Governments to attend the Congress at the highest possible level",

by the following text:

> "8. Invites all Governments to attend the Congress at the highest appropriate level".

The Committee then adopted the draft resolution, as orally amended (see para. 38 below, draft resolution VI).

16. Before the draft resolution was adopted the representative of Cuba made a statement. After it was adopted the representative of the United Kingdom of Great Britain and Northern Ireland made a statement.

Education, training and public awareness in the field of crime prevention

17. At the 11th meeting, on 11 May, the Committee adopted draft resolution VII, entitled "Education, training and public awareness in the field of crime prevention" (see para. 38 below, draft resolution VII).

Report of the Committee on Crime Prevention and Control on its eleventh session and provisional agenda and documentation for the twelfth session of the Committee

18. At the 11th meeting, on 11 May, the Committee adopted the draft decision entitled "Report of the Committee on Crime Prevention and Control on its eleventh session and provisional agenda and documentation for the twelfth session of the Committee" (see para. 39 below, draft decision).

Nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

19. At the 11th meeting, on 11 May, the Committee decided to refer to the Council for action decision 11/101 of the Committee on Crime Prevention and Control, entitled "Nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute". 2/

Other proposals

Achievement of social justice

20. at the 11th meeting, on 11 May, the representative of the Ukrainian Soviet Socialist Republic, on behalf of the Byelorussian Soviet Socialist Republic 3/ and Colombia, introduced a draft resolution (E/1990/C.2/L.4) entitled "Achievement of social justice". Subsequently, Ecuador and the Union of Soviet Socialist Republics joined in sponsoring the draft resolution.

21. At the 13th meeting, on 16 May, the representative of the Ukrainian Soviet Socialist Republic, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "in accordance with the Declaration on Social Progress and Development" were added after the words "Bearing in mind that";

2/ See E/1990/31, chap. I, sect. C.

3/ In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

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(b) In operative paragraph 4, the words "and its promotion" were added after the words "such co-operation";

(c) In operative paragraph 5, the word "women" was deleted after the words "such population groups as".

22. At the same meeting, the representative of Algeria orally proposed amendments to operative paragraph 6 of the draft resolution, by which:

(a) The words "at the national level" at the end of the paragraph would be deleted;

(b) The paragraph would become the third preambular paragraph.

These amendments were accepted by the sponsors.

23. Also at the same meeting, the representative of the Union of Soviet Socialist Republics orally proposed the insertion of a new operative paragraph 6, reading:

> "Calls upon all Member States to take into consideration the importance of achieving social justice in elaborating and implementing programmes aimed at the advancement of women".

24. At the same meeting, after a discussion in which the representatives of Mexico, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Cuba and Nicaragua took part, the representative of Algeria orally proposed that revised operative paragraph 5 (see para. 21 (c) above), which read:

> "Calls upon Member states, in elaborating policies in the field of social development and the social situation of such population groups as children, youth, the aging, the disabled and others to take into consideration the importance of achieving social justice for all",

be amended to read:

> "Calls upon Member States, in elaborating policies in the field of social development and the social situation of all population groups, to take into consideration the importance of achieving social justice for all".

This amendment was accepted by the sponsors. Consequently, the representative of the Union of Soviet Socialist Republics withdrew his proposal (see para. 23 above).

25. At the same meeting, Algeria joined in sponsoring the draft resolution.

26. The Committee then adopted the draft resolution, as orally revised (see para. 38 below, draft resolution VIII).

27. Before the draft resolution was adopted, the representative of Mexico made a statement.

Equalization of opportunities for disabled persons

28. At the 11th meeting, on 11 May, the representative of Sweden, on behalf of Afghanistan, 3/ Australia, Austria, 3/ the Bahamas, Belgium 3/ the Byelorussian Soviet Socialist Republic, 3/ Cameroon, Canada, Chile, 3/ Colombia, Costa Rica, 3/ Denmark, 3/ the Dominican Republic, 3/ Egypt, 3/ Finland, the German Democratic Republic, Ghana, Iceland, 3/ Italy, Jordan, Nicaragua, Norway, 3/ Peru, 3/ the Philippines, 3/ Poland, 3/ Romania, 3/ Saudi Arabia, Senegal, 3/ Swaziland, 3/ Sweden, Togo, 3/ Tunisia, Turkey, 3/ the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Zaire and Zambia, introduced a draft resolution (E/1990/C.2/L.5) entitled "Equalization of opportunities for disabled persons". Subsequently, Bolivia, 3/ China, Cuba, Ecuador, El Salvador, 3/ the Libyan Arab Jamahiriya, Morocco, 3/ Nigeria, 3/ Pakistan, Portugal, Thailand and Uganda, 3/ joined in sponsoring the draft resolution. In introducing the draft resolution, the representative of Sweden orally revised it by replacing the word "Requests" with the word "Authorizes" at the beginning of operative paragraph 1.

29. At the 13th meeting, on 16 May, the Secretary of the Committee made a statement on the programme budget implications of the draft resolution.

30. At the same meeting, the Committee adopted the draft resolution, as orally revised (see para. 38 below, draft resolution IX).

31. After the draft resolution was adopted, the representative of the Federal Republic of Germany made a statement.

Crime prevention and criminal justice

32. At the 11th meeting, on 11 May, the representative of Italy introduced a draft resolution (E/1990/C.2/L.6) entitled "Crime prevention and criminal justice".

33. At the 13th meeting, on 16 May, the Committee adopted the draft resolution (see para. 38 below, draft resolution X).

World social situation

34. At the 11th meeting, on 11 May, the observer for Bolivia, 3/ on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (E/1990/C.2/L.7) entitled "World social situation".

35. At the 14th meeting, on 16 May, the observer for Bolivia, 3/ on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the penultimate preambular paragraph, the words "of the developing countries" were replaced by the words "in many developing countries";

(b) Operative paragraph 2, which read:

"2. Requests the Secretary-General, in preparing the interim report, in accordance with paragraph 4 of Council resolution 1989/72, to give high priority to an analysis of the main indicators of social progress and standards of living, and to make a comprehensive analysis of the main causes and circumstances that explain negative trends in those indicators; chapters devoted to the study of specific social problems must be related to global economic and social situations, taking into account both national and international conditions",

was corrected to read:

"2. Requests the Secretary-General, in preparing the interim report, to take into account paragraph 4 of Council resolution 1989/72, in which the Secretary-General was requested, in preparing the 1993 report, to give high priority to an analysis of the main indicators of social progress and standards of living, and to make a comprehensive analysis of the main causes and circumstances that explain negative trends in those indicators; chapters devoted to the study of specific social problems must be related to global economic and social situations, taking into account both national and international conditions".

36. At the same meeting, the Committee adopted the draft resolution, as orally revised (see para. 38 below, draft resolution XI).

37. After the draft resolution was adopted, the representative of the United States of America made a statement.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

38. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolutions:

[For the text of draft resolutions I-V and VII, see the report of the Committee for Crime Prevention and Control (E/1990/31), chap. I, sect. A.]

DRAFT RESOLUTION VI

Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Economic and Social Council,

Recalling General Assembly resolutions 415 (V) of 1 December 1950, 32/60 of 8 December 1977, 41/107 of 4 December 1986, 42/59 of 30 November 1987, 43/99 of 8 December 1988 and 44/72 of 8 December 1989,

Recalling also Economic and Social Council resolutions 1987/49 of 28 May 1987 and 1989/69 of 24 May 1989,

Bearing in mind that the General Assembly and the Economic and Social Council have reaffirmed in numerous resolutions the importance of the United Nations congresses on the prevention of crime and the treatment of offenders, as global events providing a forum for the exchange of expertise and experience in priority areas, and for the development of policy options and international co-operation in the field of crime,

Having considered the report of the Secretary-General on the continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 4/

1. Takes note of the reports of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1989; 5/

2. Approves the organization of work for the Eighth Congress, as proposed by the Secretary-General in his report; 6/

3. Commends the Secretary-General of the Eighth Congress for the important work done in preparing for the Congress, in spite of the limited resources available;

4. Expresses its appreciation to the Committee on Crime Prevention and Control which, as the preparatory body for the Congress, has provided overall guidance;

5. Endorses the recommendations contained in the reports of the regional preparatory meetings for the Eighth Congress, as reviewed by the Committee on Crime Prevention and Control, and recommends that the Congress approve them;

6. Approves the documentation for the Eighth Congress, which was reviewed by the Committee on Crime Prevention and Control at its tenth and eleventh sessions;

7. Notes with satisfaction the preparations for the two workshops to be held during the Eighth Congress, one on alternatives to imprisonment and the other on computerization of the administration of criminal justice; 7/

8. Invites all Governments to attend the Congress at the highest appropriate level;

4/ E/AC.57/1990/5 and Add.1-5.

5/ A/CONF.144/RPM.1-5.

6/ E/AC.57/1990/5.

7/ Ibid., sect. G.

9. Invites Governments to finalize their national preparations for the Eighth Congress, including the submission of national papers, and to consider including members of the Committee on Crime Prevention and Control and national correspondents in their delegations to the Congress;

10. Welcomes the organization of ancillary meetings of professional groups during the Congress; 8/

11. Urges the regional commissions, the regional and interregional institutes for crime prevention and the treatment of offenders, the specialized agencies and other entities within the United Nations system, other intergovernmental organizations concerned, non-governmental organizations in consultative status with the Economic and Social Council, professional organizations and experts to attend the Eighth Congress;

12. Decides to transmit to the Eighth Congress the draft resolutions recommended by the Committee on Crime Prevention and Control at its eleventh session.

DRAFT RESOLUTION VIII

Achievement of social justice

The Economic and Social Council,

Recalling General Assembly resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989, and Council resolutions 1988/46 of May 1988 and 1989/71 of 24 May 1989,

Recalling also the pledge made by States Members of the United Nations in the Charter of the United Nations to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Recognizing that more extensive international and regional co-operation is important for promoting social justice,

Bearing in mind that, in accordance with the Declaration on Social Progress and Development, social progress and development must be founded on respect for the dignity and value of the human person and must ensure the promotion of human rights and social justice,

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, 9/ of the Nairobi Forward-looking Strategies for

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8/ Ibid., sect. L.

9/ General Assembly resolution 2542 (XXIV), art. 2.

the Advancement of Women, 10/ of the World Programme of Action concerning Disabled Persons 11/ and of the International Plan of Action on Aging, 12/

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations systems in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. Confirms that social justice is one of the most important goals of social progress;

2. Reaffirms that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms and social justice and peace;

3. Reaffirms also the importance of co-operation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;

4. Considers that such co-operation and its promotion should continue to be a major focus of activities of the United Nations in accordance with the principles of the Charter of the United Nations;

5. Calls upon Member States, in elaborating policies in the field of social development and the social situation of all population groups, to take into consideration the importance of achieving social justice for all;

6. Recommends that the Secretary-General, in preparing studies and reports on social problems, examine questions of the realization of social justice and ways in which it could be achieved;

7. Requests the Commission for Social Development to consider the question of achieving social justice and possible avenues of international co-operation for promoting social progress.

10/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

11/ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII, recommendation 1 (IV).

12/ Official Records of the Economic and Social Council, 1989, Supplement No. 13 (E/1989/13).

DRAFT RESOLUTION IX

Equalization of opportunities for disabled persons

The Economic and Social Council,

Recalling the United Nations instruments and declarations, as well as other international instruments, that protect the rights of all persons,

Recalling in particular the Declaration on the Rights of Disabled Persons, adopted by the General Assembly at its thirtieth session, 13/

Noting that in the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, 14/ the equalization of opportunities for disabled persons was defined as the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are made accessible to all, 15/

Mindful that the objective of the United Nations Decade of Disabled Persons, proclaimed by the General Assembly at its thirty-seventh session, 16/ was conceived as the beginning of the effective implementation of the World Programme of Action concerning Disabled Persons,

Noting that the global meeting of experts, convened by the United Nations and the Government of Sweden at Stockholm in 1987, that is at midpoint of the Decade, reviewed progress made towards the implementation of the World Programme of Action concerning Disabled Persons,

Aware that the global meeting of experts identified a number of serious shortcomings as regards the implementation of the World Programme of Action,

Concerned that, as the end of the United Nations Decade of Disabled Persons is approaching, in 1992, important social, economic, political, cultural and other barriers still exist, which prevent disabled children, youth and adults from participating fully in all aspects of life,

Taking into consideration the fact that the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, annexed to General Assembly resolution 44/70 of 8 December 1989, further elaborated the goals of the World Programme of Action,

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13/ Resolution 3447 (XXX).

14/ Resolution 37/52.

15/ See A/37/351/Add.1, annex, sect. VIII.

16/ Resolution 37/53.

Noting that questions concerning the equalization of opportunities for disabled persons were considered at the Meeting of Experts on Alternative Ways to Mark the End of the United Nations Decade of Disabled Persons, held at Järvenpää, Finland, from 7 to 10 May 1990, which was organized jointly by the United Nations and the Government of Finland,

Recalling Commission for Social Development resolution 31/3 on the improvement of the work of the Commission, 17/

Convinced that further measures are necessary to ensure the full integration of disabled persons in society,

1. Authorizes the Commission for Social Development to consider, at its thirty-second session, the establishment of an ad hoc open-ended working group of government experts, funded by voluntary contributions, to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults, in close collaboration with the specialized agencies, other intergovernmental bodies and non-governmental organizations, especially organizations of disabled persons themselves;

2. Requests the Commission for Social Development, should it establish such a working group, to finalize the text of those rules for consideration by the Council at its first regular session of 1993 and for submission to the General Assembly at its forty-eighth session.

DRAFT RESOLUTION X

Crime prevention and criminal justice

The Economic and Social Council,

Mindful of the responsibilities of the United Nations in crime prevention and criminal justice and its leading role in co-ordinating and strengthening regional and multilateral co-operation in this field,

Convinced that enhanced effectiveness and responsiveness of the United Nations programme in crime prevention and criminal justice requires adequate resources to meet its increased responsibilities,

Recalling its resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

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17/ Official Records of the Economic and Social Council, 1989, Supplement No. 7 (E/1989/25), chap. I, sect. D.

Recalling also General Assembly resolution 44/72 of 8 December 1989, in which the Economic and Social Council, at its first regular session of 1990, was invited to give priority consideration to the report of the Committee on Crime Prevention and Control on its eleventh session,

1. Takes note of the report of the Secretary-General on crime prevention and criminal justice; 18/

2. Welcomes the report of the Committee on Crime Prevention and Control on its eleventh session; 19/

3. Invites intergovernmental and non-governmental organizations, which have consistently contributed in a constructive and practical way to further progress in the United Nations programme in crime prevention and criminal justice, to continue lending their support, particularly on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Invites the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein;

5. Requests the Secretary-General to submit to the Economic and Social Council, at its first regular session of 1991, a progress report on the implementation of the present resolution, paying particular attention to action taken by the General Assembly at its forty-fifth session.

DRAFT RESOLUTION XI

World social situation

The Economic and Social Council,

Recalling its resolution 1989/72 of 24 May 1989 and General Assembly resolution 44/56 of 8 December 1989,

Noting that in paragraph 10 of General Assembly resolution 44/56 the Secretary-General was requested to submit an interim report on the world social situation to the Assembly in 1991, through the Commission for Social Development and the Economic and Social Council,

Noting also paragraph 3 of Council resolution 1989/72, regarding the report of the Secretary-General on the work being done within the United Nations system to

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18/ E/1990/36.

19/ E/1990/31 and Add.1. For the final report, see Official Records of the Economic and Social Council, 1990, Supplement No. 10.

improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standards of living of the world's population, particularly in developing countries,

Having considered the supplement to the 1989 Report on the World Social Situation, 20/

Noting with satisfaction that the supplement takes into account the concerns and guidelines specified in Council resolution 1989/72,

Bearing in mind the importance of the report on the world social situation for increasing awareness of the advances made towards the goals of social progress and better standards of living, established in the Charter of the United Nations, and of the obstacles to further progress,

Concerned about the worsening economic situation in many developing countries, particularly that of the least developed countries, including the significant decline in living conditions, the persistence and increase of widespread poverty in a large number of countries and the decrease of the main social and economic indicators of those countries,

Believing that there is a need for greater efforts by the United Nations system to study and disseminate data on the existing world social situation, particularly in regard to the developing countries,

1. Decides to include in its agenda for the first regular session of 1991, bearing in mind paragraph 13 of General Assembly resolution 44/56, an item entitled "World social situation", for the purpose of considering, inter alia, the interim report on the world social situation and the report requested in paragraph 3 of Council resolution 1989/72;

2. Requests the Secretary-General, in preparing the interim report, to take into account paragraph 4 of Council resolution 1989/72, in which the Secretary-General was requested, in preparing the 1993 report, to give high priority to an analysis of the main indicators of social progress and standards of living, and to make a comprehensive analysis of the main causes and circumstances that explain negative trends in those indicators; chapters devoted to the study of specific social problems must be related to global economic and social situations, taking into account both national and international conditions.

39. The Second (Social) Committee also recommends to the Economic and Social Council the adoption of the following draft decision:

[For the text of the draft decision, see the report of the Committee on Crime Prevention and Control (E/1990/31), chap. I, sect. B.]

20/ A/45/137-E/1990/35.

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SOCIAL DEVELOPMENT

Report of the Second (Social) Committee (Part II)

1. The Second (Social) Committee also considered the question of social development (agenda item 5) at its 18th meeting, on 22 May 1990.

Capital punishment

2. At the 11th meeting, on 11 May, the representative of the Netherlands, on behalf of Denmark, 1/ Finland, the Netherlands, New Zealand, Romania 1/ and Sweden, introduced a draft resolution (E/1990/C.2/L.3) entitled "Capital punishment", which read as follows:

"The Economic and Social Council,

"Recalling its resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984 and 1985/33 of 29 May 1985,

"Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 39/118 of 14 December 1984,

"Recalling also that in its resolution 1989/64 of 24 May 1989, it requested that future reports on the question of capital punishment and on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty be combined,

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1/ In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

"Having examined the fourth quinquennial report of the Secretary-General on capital punishment, 2/

"Concerned that only forty-three Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

"1. Invites Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report on capital punishment, in 1995;

"2. Takes note of the fact that in the period under review in the report of the Secretary-General some countries have abolished capital punishment, others have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment;

"3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under constant review;

"4. Requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and intergovernmental and non-governmental organizations on this question."

3. At the 17th meeting, on 18 May, the representative of the Netherlands, on behalf of the sponsors, introduced a revised draft resolution (E/1990/C.2/L.3/Rev.1) and orally revised it by adding the words "for its consideration" at the end of operative paragraph 4.

4. At the same meeting, the representative of Bahrain made a statement in which he moved, under rule 54 of the rules of procedure of the Economic and Social Council, that action on the revised draft resolution be postponed to the next meeting of the Committee. The representative of the Netherlands made a statement.

5. At the 18th meeting, on 22 May, the Committee adopted the revised draft resolution, as further revised orally (see para. 7 below, draft resolution XII).

6. Before the draft resolution was adopted, statements were made by the representatives of Saudi ARabia, Bahrain, Iraq, the Islamic Republic of Iran, Pakistan and Jordan. The representative of Cuba also made a statement.

RECOMMENDATION OF THE SECOND (SOCIAL) COMMITTEE

7. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolution:

2/ E/1990/38 and Corr.1, subsequently revised.

DRAFT RESOLUTION XII

Capital punishment

The Economic and Social Council,

Recalling its resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984 and 1985/33 of 29 May 1985,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 39/118 of 14 December 1984,

Having examined the fourth quinquennial report of the Secretary-General on capital punishment, 3/ and having found certain imprecisions and errors in it, as recognized by the representative of the Secretary-General,

Aware that only forty-three Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

1. Invites Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report on capital punishment, in 1995;

2. Takes note of the fact that in the period under review in the report of the Secretary-General some countries have abolished capital punishment, others have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment;

3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under review;

4. Requests the Secretary-General to submit to the Council, at its second regular session of 1990, a revised version of the fourth quinquennial report for its consideration;

5. Requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and intergovernmental and non-governmental organizations on this question.

3/ E/1990/38 and Corr.1.

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HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee (Part I)

1. The Second (Social) Committee considered human rights questions (agenda item 3) at its 12th to ___ meetings, from 15 to ___ May 1990. It had before it the following documents:

(a) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms (A/45/170-E/1990/32);

(b) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (A/45/210-E/1990/21);

(c) Letter dated 22 December 1989 from the Secretary-General to the President of the Economic and Social Council transmitting the advisory opinion of the International Court of Justice dated 15 December 1989 on the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations (E/1990/15 and Add.1);

(d) Report of the Commission on Human Rights on its forty-sixth session (E/1990/22 and Corr.1 and Add.1); 1/

1/ Official Records of the Economic and Social Council, 1990, Supplements Nos. 2 and 2A.

(e) Report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23); 2/

(f) Report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others (E/1990/33);

(g) Note by the Secretariat transmitting an extract from the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights (E/1990/37);

(h) Note by the Secretariat transmitting the general comments on the non-discrimination clauses of the International Covenant on Civil and Political Rights, adopted by the Human Rights Committee at its thirty-seventh session (E/1990/44);

(i) Report of the Secretary-General on the situation and developments regarding the logistical and human rights resources support for the activities of the Centre for Human Rights (E/1990/50);

(j) Note by the Secretary-General on allegations regarding infringements of trade union rights: implementation of Economic and Social Council resolution 1989/82, paragraph 9 (E/1990/87 and Add.1);

(k) Statement submitted by the Four Directions Council, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/1990/NGO/2);

(l) Statement submitted by the American Association of Jurists, Arab Organization for Human Rights, International Commission of Health Professionals for Health and Human Rights, International League for the Rights and Liberation of Peoples, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Service, Justice and Peace in Latin America and World Student Christian Federation, non-governmental organizations in consultative status with the Economic and Social Council, catetory II, and the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/1990/NGO/4).

2. At its 12th to 16th meetings, the Committee held a general discussion on the item. At its 12th meeting, on 15 May, the Committee heard an introductory statement by the Deputy Director of the Centre for Human Rights.

3. Also at the 12th meeting, statements were made by the representatives of Ireland (on behalf of the States Members of the United Nations that are members of the European Economic Community), the United States of America, France,

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2/ Official Records of the Economic and Social Council, 1990, Supplement No. 3.

Czechoslovakia, the Union of Soviet Socialist Republics and Mexico and the observers for Chile and Egypt.

4. At the 13th meeting, on 16 May, the Rapporteur of the Committee on Economic, Social and Cultural Rights made a statement.

5. Also at the 13th meeting, statements were made by the representatives of Canada, the Ukrainian Soviet Socialist Republic, the German Democratic Republic and Cuba and by the observers for Denmark (on behalf of the Nordic countries), the Byelorussian Soviet Socialist Republic, Myanmar and Viet Nam. The observer for the International Confederation of Free Trade Unions, a non-governmental organization in consultative status with the Council, category I, also made a statement.

6. At the 14th meeting, on 16 May, statements were made by the representatives of Yugoslavia and by the observers for Mongolia, Australia, the Philippines and Nigeria. The observer for the World Federation of Trade Unions and the World Muslim Congress, non-governmental organizations in consultative status with the Council, category I, also made statements.

7. At the 15th meeting, on 17 May, statements were made by the representatives of Guinea, New Zealand, China, Brazil and Bulgaria and by the observers for Sri Lanka, Lebanon, Hungary, Peru, Norway, Argentina, Romania and Poland.

8. At the 16th meeting, on 17 May, statements were made by the representatives of Algeria, Sweden, Indonesia, Nicaragua, Pakistan, Japan, Venezuela, Iraq, Cuba, India and Greece and by the observers for Cambodia, the Byelorussian Soviet Socialist Republic, El Salvador and Cyprus.

Recommendations contained in the report of the Commission on Human Rights

9. Chapter I of the report of the Commission on Human Rights on its forty-sixth session (E/1990/22 and Corr.1) contained 9 draft resolutions and 29 draft decisions recommended for adoption by the Council. Programme budget implications of the proposals were set out in annex III to the addendum to the report (E/1990/22/Add.1).

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

10. At the 17th meeting, on 18 May, the Committee adopted draft resolution I, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa", by a recorded vote of 32 to 7, with 7 abstentions (see para. 61 below, draft resolution I). The voting was as follows: 3/

3/ The delegations of Algeria, Lesotho and Zambia subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft resolution.

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: France, Germany, Federal Republic of, Italy, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Finland, Greece, Ireland, Japan, New Zealand, Sweden.

Right to freedom of opinion and expression

11. At the 17th meeting, on 18 May, the Committee adopted draft resolution II, entitled "Right to freedom of opinion and expression" (see para. 61 below, draft resolution II).

Compensation for victims of gross violations of human rights

12. At the 17th meeting, on 18 May, the Committee adopted draft resolution III, entitled "Compensation for victims of gross violations of human rights" (see para. 61 below, draft resolution III).

Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

13. At the 17th meeting, on 18 May, the Committee adopted draft resolution IV, entitled "Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care" (see para. 61 below, draft resolution IV).

Guidelines on the use of computerized personal files

14. At the 17th meeting, on 18 May, the Committee adopted draft resolution V, entitled "Guidelines on the use of computerized personal files" (see para. 61 below, draft resolution V).

Rights of persons belonging to national, ethnic, religious and linguistic minorities

15. At the 17th meeting, on 18 May, the Committee adopted draft resolution VI, entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities" (see para. 61 below, draft resolution VI).

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

16. At the 17th meeting, on 18 May, the Committee adopted draft resolution VII, entitled "Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms" (see para. 61 below, draft resolution VII).

Working Group on Situations of the Commission on Human Rights

17. At the 17th meeting, on 18 May, the Committee adopted draft resolution VIII, entitled "Working Group on Situations" (see para. 61 below, draft resolution VIII).

Status of the individual and contemporary international law

18. At the 17th meeting, on 18 May, the Committee adopted draft resolution IX, entitled "Status of the individual and contemporary international law" (see para. 61 below, draft resolution IX).

Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

19. At the 17th meeting, on 18 May, the Committee adopted draft decision 1, entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination" by a recorded vote of 33 to 3, with 11 abstentions (see para. 62 below, draft decision I). The voting was as follows: 4/

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Canada, Japan, United States of America.

Abstaining: Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

20. After the draft decision was adopted, a statement was made by the representative of Ireland (on behalf of the States Members of the United Nations that are members of the European Economic Community).

4/ The delegations of Algeria and Lesotho subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft decision.

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

21. At the 17th meeting, on 18 May, the Committee adopted draft decision 2, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", by a recorded vote of 34 to 1, with 13 abstentions (see para. 62 below, draft decision II). The voting was as follows: 5/

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, German Democratic Republic, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Canada, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

22. At the 17th meeting, on 18 May, the Committee adopted draft decision 3, entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination" (see para. 62 below, draft decision III).

23. After the draft decision was adopted, the representative of the United States of America made a statement.

The right to development

24. At the 17th meeting, on 18 May, the Committee adopted draft decision 4, entitled "The right to development" (see para. 62 below, draft decision IV).

25. After the draft decision was adopted, statements were made by the representatives of Japan and the United States of America.

5/ The delegations of Algeria and Lesotho subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft decision.

Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

26. At the 17th meeting, on 18 May, the Secretary of the Committee orally corrected draft decision 5, entitled "Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems", by replacing the words "authorizes the inclusion of" with the words "requests the Secretary-General to include" before the words "the annual recurrent cost". The Committee then adopted the draft decision, as orally corrected (see para. 62 below, draft decision V).

Effective functioning of bodies established pursuant to United Nations human rights instruments

27. At the 17th meeting, on 18 May, the Committee adopted draft decision 6, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments" (see para. 62 below, draft decision VI).

Situation of human rights in South Africa

28. At the 17th meeting, on 18 May, the Committee adopted draft decision 7, entitled "Situation of human rights in South Africa" (see para. 62 below, draft decision VII).

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

29. At the 17th meeting, on 18 May, the Committee adopted draft decision 8, entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" (see para. 62 below, draft decision VIII).

Question of enforced or involuntary disappearances

30. At the 17th meeting, on 18 May, the Committee adopted draft decision 9, entitled "Question of enforced or involuntary disappearances" (see para. 62 below, draft decision IX).

Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

31. At the 17th meeting, on 18 May, the Committee adopted draft decision 10, entitled "Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur" (see para. 62 below, draft decision X).

Situation of human rights in Romania

32. At the 17th meeting, on 18 May, the Committee adopted draft decision 11, entitled "Situation of human rights in Romania" (see para. 62 below, draft decision XI).

Summary or arbitrary executions

33. At the 17th meeting, on 18 May, the Committee adopted draft decision 12, entitled "Summary or arbitrary executions" (see para. 62 below, draft decision XII).

Situation of human rights in Afghanistan

34. At the 17th meeting, on 18 May, the Committee adopted draft decision 13, entitled "Situation of human rights in Afghanistan" (see para. 62 below, draft decision XIII).

Situation of human rights in Haiti

35. At the 17th meeting, on 18 May, the Committee adopted draft decision 14, entitled "Situation of human rights in Haiti" (see para. 62 below, draft decision XIV).

Situation in Equatorial Guinea

36. At the 17th meeting, on 18 May, the Committee adopted draft decision 15, entitled "Situation in Equatorial Guinea" (see para. 62 below, draft decision XV).

Advisory services in the field of human rights

37. At the 17th meeting, on 18 May, the Committee adopted draft decision 16, entitled "Advisory services in the field of human rights" (see para. 62 below, draft decision XVI).

38. Before the draft decision was adopted, the representative of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Finance of the Secretariat made a statement in reply to a question raised by the representative of Cuba.

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

39. At the 17th meeting, on 18 May, the Committee adopted draft decision 17, entitled "Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 62 below, draft decision XVII).

Discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS)

40. At the 17th meeting, on 18 May, the Committee adopted draft decision 18, entitled "Discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS)" (see para. 62 below, draft decision XVIII).

Sale of children

41. At the 17th meeting, on 18 May, the representative of Cuba orally proposed to amend draft decision 19, entitled "Sale of children", by replacing the words "for a period of one year" with the words "for a period of two years".

42. At the same meeting, the representative of the Programme Planning and Budget Division replied to a question raised by the representative of the United Kingdom of Great Britain and Northern Ireland on the programme budget implications of the draft decision.

43. Also at the same meeting, the representative of the United Kingdom orally proposed an amendment calling for the replacement of the words "approves the Commission's request to the Chairman" by the words "requests the Chairman".

44. At the same meeting, a statement was made by the representative of Kenya.

45. Following a statement by the Chairman of the Committee, the Committee adopted the draft decision, as orally amended by the representatives of Cuba and the United Kingdom (see para. 62 below, draft decision XIX).

National institutions for the promotion and protection of human rights

46. At the 17th meeting, on 18 May, the Committee adopted draft decision 20, entitled "National institutions for the promotion and protection of human rights" (see para. 62 below, draft decision XX).

Situation of human rights in El Salvador

47. At the 17th meeting, on 18 May, the Committee adopted draft decision 21, entitled "Situation of human rights in El Salvador" (see para. 62 below, draft decision XXI).

Situation of human rights in the Islamic Republic of Iran

48. At the 17th meeting, on 18 May, the Committee adopted draft decision 22, entitled "Situation of human rights in the Islamic Republic of Iran" (see para. 62 below, draft decision XXII).

Assistance to Guatemala in the field of human rights

49. At the 17th meeting, on 18 May, the Committee adopted draft decision 23, entitled "Assistance to Guatemala in the field of human rights" (see para. 62 below, draft decision XXIII).

Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

50. At the 17th meeting, on 18 May, the Committee adopted draft decision 24, entitled "Measures to combat racism and racial discrimination and the role of the

Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 62 below, draft decision XXIV).

51. Before the draft decision was adopted, the representative of the Programme Planning and Budget Division made a statement in reply to a question raised by the representative of the United Kingdom of Great Britain and Northern Ireland.

52. The representative of the United States of America also made a statement before the draft decision was adopted.

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

53. At the 17th meeting, on 18 May, the Committee adopted draft decision 25, entitled "Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities" (see para. 62 below, draft decision XXV).

Traditional practices affecting the health of women and children

54. At the 17th meeting, on 18 May, the Committee adopted draft decision 26, entitled "Traditional practices affecting the health of women and children" (see para. 62 below, draft decision XXVI).

International year for the world's indigenous people

55. At the 17th meeting, on 18 May, the representative of Colombia proposed to amend draft decision 27, entitled "International Year for the World's Indigenous People", by deleting the words "or another appropriate year" after the words "in 1993". The Committee accepted the amendment.

56. At the same meeting, the representative of Colombia proposed to amend the draft resolution further by replacing the words "indigenous people" with the words "indigenous peoples". Following statements by the representatives of Mexico, Canada, Nicaragua, the United States of America, the Netherlands and Brazil, the representative of Colombia withdrew the amendment.

57. At the same meeting, the Committee adopted the draft decision, as orally amended (see para. 62 below, draft decision XXVII).

Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989

58. At the 17th meeting, on 18 May, the Committee adopted draft decision 28, entitled "Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989" (see para. 62 below, draft decision XXVIII).

Organization of the work of the forty-seventh session of the Commission on Human Rights

59. At the 17th meeting, on 18 May, the Committee adopted draft decision 29, entitled "Organization of the work of the forty-seventh session of the Commission on Human Rights" (see para. 62 below, draft decision XXIX).

60. At the same meeting, after the draft resolutions and draft decisions were adopted, a statement was made by the representative of the German Democratic Republic.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

61. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolutions:

[For the text of draft resolutions I-IX, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. A.]

62. The Second (Social) Committee also recommends to the Economic and Social Council the adoption of the following draft decisions:

[For the text of draft decisions I-IV, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 1-4.]

DRAFT DECISION V

Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

The Economic and Social Council, noting Commission on Human Rights resolution 1990/21 of 23 February 1990, approves the annual recurrent cost of the system proposed by the Task Force on Computerization appointed by the Secretary-General 6/ and requests the Secretary-General to include the annual recurrent cost in the programme budget for the biennium 1992-1993 when the proposed system is expected to become operational.

[For the text of draft decisions VI-XVIII, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 6-18.]

6/ See E/CN.4/1990/39, para. 63.

DRAFT DECISION XIX

Sale of children

The Economic and Social Council, noting Commission on Human Rights resolution 1990/68 of 7 March 1990, requests the Chairman of the Commission to appoint for a period of two years a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, and also approves the Commission's request to the Secretary-General to give the Special Rapporteur any necessary assistance.

[For the text of draft decisions XX-XXVI, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 20-26.]

DRAFT DECISION XXVII

International year for the world's indigenous people

The Economic and Social Council, noting Commission on Human Rights decision 1990/113 of 7 March 1990, decides to recommend that the General Assembly proclaim an international year for the world's indigenous people in 1993, in accordance with established procedures governing the proclamation of international years.

[For the text of draft decisions XXVIII and XXIX, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 28 and 29.]

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HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee (Part II)

1. The Second (Social) Committee also considered human rights questions (agenda item 3) at its 18th meeting, on 22 May 1990.

Enlargement of the Commission on Human Rights

2. At the 18th meeting, on 22 May, following a statement by the observer for Bolivia, on behalf of the States Members of the United Nations that are members of the Group of 77, the Committee decided to refer to the Council the question of the enlargement and enhancement of the Commission on Human Rights.

Recommendations contained in the report of the Committee on Economic, Social and Cultural Rights

3. Chapter I of the report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23) contained two draft decisions recommended for adoption by the Council.

Provisional rules of procedure of the Committee on Economic, Social and Cultural Rights

4. At the 17th meeting, on 18 May, the Committee adopted draft decision I, entitled "Provisional rules of procedure of the Committee on Economic, Social and Cultural Rights" (see para. 31 below, draft decision XXX).

Pre-sessional working group of the Committee on Economic, Social and Cultural Rights

5. At the 17th meeting, on 18 May, the Secretary of the Committee made a statement on the programme budget implications of draft decision II, entitled

"Pre-sessional working group of the Committee on Economic, Social and Cultural Rights". A statement was also made by the representative of the United Kingdom of Great Britain and Northern Ireland.

6. At the 18th meeting, on 22 May, the Committee adopted the draft decision (see para. 31 below, draft decision XXXI).

Other proposals

Report of the Commission on Human Rights

7. At the 17th meeting, on 18 May, the Committee took note of the report of the Commission on Human Rights on its forty-sixth session (see para. 31 below, draft decision XXXII).

Report of the Committee on Economic, Social and Cultural Rights

8. At the 18th meeting, on 22 May, the Committee took note of the report of the Committee on Economic, Social and Cultural Rights on its fourth session (see para. 31 below, draft decision XXXIII).

Situation in southern Lebanon

9. At the 17th meeting, on 18 May, the representative of Jordan introduced a draft decision (E/1990/C.2/L.8) entitled "Situation in southern Lebanon".

10. At the 18th meeting, on 22 May, the Committee adopted the draft decision (see para. 31 below, draft decision XXXIV).

11. After the draft decision was adopted, statements were made by the representative of the United States of America and the observer for Lebanon.

Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

12. At the 17th meeting, on 18 May, the representative of the Netherlands, on behalf of Canada, the Netherlands, Romania 1/ and the United States of America, introduced a draft resolution (E/1990/C.2/L.9) entitled "Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimintion and Protection of Minorities".

13. At the 18th meeting, on 22 May, the Committee adopted the draft resolution (see para. 30 below, draft resolution X).

1/ In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Infringements of trade union rights in South Africa

14. At the 17th meeting, on 18 May, the observer for Mauritania, 1/ on behalf of the African States, introduced a draft resolution (E/1990/C.2/L.10) entitled "Infringements of trade union rights in South Africa", which read as follows:

"The Economic and Social Council,

"Recalling its resolution 1989/82 of 24 May 1989, in which it requested the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation,

"Noting that the note verbale from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General 2/ does not comply with the relevant provisions of Council resolution 1989/82,

"Gravely concerned about the deteriorating and dehumanizing conditions of black workers as a result of drastic restrictions on their exercise of trade union rights imposed by the Government of South Africa and about the continued police intervention in industrial disputes, including arrests, banning and harassment of trade unionists,

"Aware of the ever-growing importance of the independent black trade union movement in the struggle against apartheid,

"1. Takes note of the note by the Secretary-General 3/ submitted pursuant to Council resolution 1989/82, circulating the note verbale from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;

"2. Expresses its concern about the failure of the Government of South Africa to comply with the provisions of Council resolution 1989/82;

"3. Demands the implementation of the provisions of Council resolution 1989/82 by the Government of South Africa;

"4. Requests the Secretary-General to persist in his efforts to ensure the implementation of paragraph 9 of Council resolution 1989/82;

2/ E/1990/87, annex.

3/ E/1990/87.

"5. Further requests the Secretary-General to submit a report on the implementation of the present resolution to the Council, for consideration and action, as appropriate, at its first regular session of 1991."

15. At the 18th meeting, on 22 May, the observer for Mauritania, 1/ on behalf of the sponsors, introduced a revised draft resolution (E/1990/C.2/L.10/Rev.1) and orally revised it by:

(a) Inserting a new third preambular paragraph, which read:

"Noting also the latest consultations between the Government of South Africa, the Congress of South African Trade Unions and the National Congress of Trade Unions on future proposed labour legislations";

(b) Adding, at the end of operative paragraph 3, the words "notwithstanding the limited steps taken so far, as reflected in the note verbale dated 14 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General".

16. At the same meeting, the Committee adopted the revised draft resolution, as orally revised (see para. 30 below, draft resolution XI).

International Covenants on Human Rights

17. At the 17th meeting, on 18 May, the observer for the Byelorussian Soviet Socialist Republic, on behalf of Australia, 1/ Bulgaria, the Byelorussian Soviet Socialist Republic, 1/ Canada, Czechoslovakia, Denmark, 1/ Finland, the German Democratic Republic, Hungary, 1/ Italy, Norway, 1/ the Philippines, 1/ Poland, 1/ Portugal, Sweden, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (E/1990/C.2/L.11) entitled "International Covenants on Human Rights. Subsequently, Cyprus 1/ and Iceland 1/ joined in sponsoring the draft resolution.

18. At the 18th meeting, on 22 May, the observer for the Byelorussian Soviet Socialist Republic, on behalf of the sponsors, orally revised operative paragraph 12 of the draft resolution by replacing the words "to consider devoting a seminar" with the words "to consider requesting the Secretary-General to devote a seminar".

19. At the same meeting, the representative of Saudi Arabia orally proposed to amend the draft resolution by deleting the word "strongly" after the word "Appeals" in operative paragraph 2. A statement was made by the representative of Bahrain. Following a statement by the observer for the Byelorussian Soviet Socialist Republic, the representative of Saudi Arabia withdrew his amendment.

20. Also at the same meeting, the Committee adopted the draft resolution, as orally revised (see para. 30 below, draft resolution XII).

21. Before the draft resolution was adopted, the representative of Bahrain made a statement.

Suppression of the traffic in persons

22. At the 17th meeting, on 18 May, the representative of the Netherlands, on behalf of Belgium, 1/ Colombia, Costa Rica, 1/ Czechoslovakia, France, the Netherlands, Nicaragua, the Philippines, 1/ Portugal and Zaire, introduced a draft resolution (E/1990/C.2/L.12) entitled "Suppression of the traffic in persons". Subsequently, Ecuador joined in sponsoring the draft resolution.

23. At the 18th meeting, on 22 May, the Committee adopted the draft resolution (see para. 30 below, draft resolution XIII).

Developments relevant to the activities of the Centre for Human Rights

24. At the 18th meeting, on 22 May, the representative of Greece, on behalf of Argentina, 1/ Australia, 1/ Bulgaria, Chile, 1/ Costa Rica, 1/ Cyprus, 1/ Czechoslovakia, Denmark, 1/ Finland, Ghana, Greece, Iceland, 1/ Italy, the Netherlands, Nigeria, 1/ Norway, 1/ the Philippines, 1/ Poland, 1/ Spain, 1/ Sweden and Yugoslavia, introduced a draft resolution (E/1990/C.2/L.13) entitled "Developments relevant to the activities of the Centre for Human Rights". Subsequently, Algeria, Canada and El Salvador 1/ joined in sponsoring the draft resolution.

25. At the same meeting, the Committee adopted the draft resolution (see para. 30 below, draft resolution XIV).

26. After the draft resolution was adopted, the representatives of the United Kingdom of Great Britain and Northern Ireland and Japan made statements.

Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

27. At the 18th meeting, on 22 May, the Secretary of the Committee orally corrected a draft decision (E/1990/C.2/L.14) entitled "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" by replacing the words "the recent past" with the words "a recent past" at the end of the second paragraph. The draft decision was then introduced by the representative of Thailand, on behalf of Bangladesh, 1/ Brunei Darussalam, 1/ Burundi, 1/ Chile, 1/ Colombia, Costa Rica, 1/ Djibouti, 1/ the Dominican Republic, 1/ Fiji, 1/ the Gambia, 1/ Greece, Guatemala, 1/ Honduras, 1/ Japan, 1/ Liberia, Malaysia, 1/ Morocco, 1/ Pakistan, Papua New Guinea, 1/ the Philippines, 1/ Saint Lucia, 1/ Samoa, 1/ Senegal, 1/ Sierra Leone, 1/ Singapore, 1/ Somalia, 1/ Sudan, 1/ Swaziland, 1/ Thailand, Togo, 1/ Turkey, 1/ Uruguay 1/ and Zaire.

28. At the same meeting, the Committee adopted the draft decision by a recorded vote of 31 to 4, with 15 abstentions (see para. 31 below, draft decision XXXV). The voting was as follows:

In favour: Bahamas, Bahrain, Brazil, Burkina Faso, Cameroon, China, Colombia, Ecuador, Ghana, Greece, Guinea, Indonesia, Jamaica, Japan, Jordan, Kenya, Liberia, Mexico, Nicaragua, Niger, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Tunisia, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Cuba, India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Bulgaria, Canada, Czechoslovakia, Finland, France, Germany, Federal Republic of, Iraq, Ireland, Italy, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

29. Before the draft decision was adopted, statements were made by the representative of Thailand and the observers for Viet Nam, the Syrian Arab Republic, Singapore and Cambodia. After the draft decision was adopted, statements were made by the representatives of Saudi Arabia, Brazil, Mexico, Italy, India and Cuba and the observer for Viet Nam.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

30. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION X

Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Having requested, on a priority basis, in its resolution 1989/75 of 24 May 1989, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its appreciation to the International Court of Justice for having given the unanimous opinion, on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of the special rapporteur in question; 4/

2. Welcomes the opinion of the Court to the effect that rapporteurs and special rapporteurs of the Sub-Commission must be regarded as experts on mission within the meaning of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

DRAFT RESOLUTION XI

Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1989/82 of 24 May 1989, in which it requested the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation,

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4/ See E/1990/15/Add.1.

Noting that the note verbale dated 1 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General 5/ does not comply with the relevant provisions of Council resolution 1989/82,

Noting also the latest consultations between the Government of South Africa, the Congress of South African Trade Unions and the National Congress of Trade Unions on future proposed labour legislation, 6/

Having examined the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights, 7/

Gravely concerned about the deteriorating and dehumanizing conditions of black workers brought about by the drastic restrictions on their exercise of trade union rights imposed by the Government of South Africa as a result of the Labour Relations Amendment Act, about the abuse of farm workers and the exploitation of child labour in rural areas, as well as about intervention in industrial disputes, including arrests, banning and harassment of trade unionists,

Aware of the ever-growing importance of the independent black trade union movement in the struggle against apartheid,

1. Takes note of the note by the Secretary-General 8/ submitted pursuant to Council resolution 1989/82, circulating the note verbale dated 1 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;

2. Also takes note of the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights; 7/

3. Expresses its concern about the failure of the Government of South Africa to comply with the provisions of Council resolution 1989/82, notwithstanding the limited steps taken so far, as reflected in the note verbale dated 14 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General; 9/

5/ E/1990/87, annex.

6/ See E/1990/87/Add.1, annex.

7/ E/1990/37, annex.

8/ E/1990/87.

9/ E/1990/87/Add.1, annex.

4. Demands the implementation of the provisions of Council resolution 1989/82 by the Government of South Africa;

5. Requests the Secretary-General to persist in his efforts to ensure the implementation of paragraph 9 of Council resolution 1989/82;

6. Requests the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights to continue to study the situation and to report thereon to the Commission on Human Rights and the Economic and Social Council;

7. Requests the Ad Hoc Working Group of Experts, in the discharge of its mandate, to consult with the International Labour Organisation and the Special Committee against Apartheid, as well as with international and African trade union confederations;

8. Demands once again the abolition of legislation which impedes the exercise of trade union rights in contravention of international labour standards, the immediate unconditional release of all trade unionists imprisoned for exercising their legitimate trade union rights and the cessation of the persecution of trade unionists and repression of the independent black trade union movement;

9. Further requests the Secretary-General to submit a report on the implementation of the present resolution to the Council, for consideration and action, as appropriate, at its first regular session of 1991.

DRAFT RESOLUTION XII

International Covenants on Human Rights

The Economic and Social Council,

Bearing in mind its important responsibilities in relation to the co-ordination of activities to promote the International Covenants on Human Rights, 10/

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 11/ form the core of the International Bill of Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights, and reaffirming that

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10/ See General Assembly resolution 2200 A (XXI), annex.

11/ General Assembly resolution 217 A (III).

all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fourth session, 12/ as well as the general comments of the Human Rights Committee, adopted at its thirty-seventh session, 13/

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

4. Appeals to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservation should be reviewed;

5. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

12/ Official Records of the Economic and Social Council, 1990, Supplement No. 3 (E/1990/23).

13/ E/1990/44, annex.

6. Emphasizes the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

7. Stresses the importance of avoiding the erosion of human rights by derogation and the necessity for strict observance of all the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights;

8. Welcomes the fact that the Committee on Economic, Social and Cultural Rights, in its general comment on article 22 of the Covenant, adopted at its fourth session, focused on the means by which the various United Nations agencies working in the field of development could seek to integrate measures designed to promote full respect for economic, social and cultural rights in their activities; 14/

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appeals to other bodies dealing with similar questions of human rights to respect those uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes the adoption by the Committee on Economic, Social and Cultural Rights of a general comment at both its third and fourth sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

11. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant and, in this context, to pay particular regard to the most vulnerable and disadvantaged;

12. Invites the Commission on Human Rights, at its forty-seventh session, to consider requesting the Secretary-General to devote a seminar, under the United Nations programme of human rights activities for the biennium 1992-1993, for the discussion of appropriate bench-marks to measure achievements in the progressive realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights;

13. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the

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14/ Official Records of the Economic and Social Council, 1990, Supplement No. 3 (E/1990/23), annex III.

Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

14. Encourages all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, in as many languages as possible, and to distribute them and make them known as widely as possible in their territories;

15. Decides to include in the provisional agenda for its first regular session of 1991 an item entitled "International Covenants on Human Rights", and to consider under that item the general comments adopted by the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights;

16. Also decides to transmit the report of the Committee on Economic, Social and Cultural Rights to the General Assembly at its forty-fifth session for consideration under the agenda item, entitled "International Covenants on Human Rights".

DRAFT RESOLUTION XIII

Suppression of the traffic in persons

The Economic and Social Council,

Recalling Commission on Human Rights resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and 1988/42 of 8 March 1988, 1989/35 of 6 March 1989 and 1990/63 of 7 March 1990 on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others and 1988/34 of 27 May 1988 and 1989/74 of 24 May 1989 on the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that the report of the Special Rapporteur of the Economic and Social Council on the suppression of the traffic in persons and the exploitation of the prostitution of others still constitutes a useful basis for further action, 15/

15/ E/1983/7 and Corr.1 and 2.

Noting with appreciation the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, 16/

Noting that only a few Member States, United Nations organizations and intergovernmental organizations have submitted information on the steps taken to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983,

Gravely concerned that slavery, the slave trade and slavery-like practices still exist, that there are modern manifestations of those phenomena and that such practices represent some of the gravest violations of human rights,

Aware of the complexity of the issue of the suppression of the traffic in persons and the exploitation of the prostitution of others and the need for further co-ordination and co-operation to implement the recommendations made by the Special Rapporteur and by various United Nations bodies,

1. Reminds States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI) of 17 May 1974;

2. Takes note with appreciation of the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others; 16/

3. Requests the Secretary-General to report further to the Economic and Social Council, at its first regular session of 1991, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that have not submitted such information and to make that report available to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

4. Endorses the request of the Commission on Human Rights, in its resolution 1990/63 of 7 March 1990, that the staff member appointed to serve the Working Group and undertake other activities relating to contemporary forms of slavery in the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices be assigned on a full-time basis;

16/ E/1990/33.

5. Endorses the request of the Commission on Human Rights, in its resolution 1989/35 of 6 March 1989, which was reiterated in its resolution 1990/63, that the Secretary-General designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

6. Decides to consider the question of the suppression of traffic in persons at its first regular session of 1991 under the agenda item entitled "Human rights".

DRAFT RESOLUTION XIV

Developments relevant to the activities of the Centre for Human Rights

The Economic and Social Council,

Recalling General Assembly resolution 44/135 of 15 December 1989 and Commission on Human Rights resolutions 1989/46 of 6 March 1989 and 1990/25 of 27 February 1990,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic aims of the United Nations according to the Charter of the United Nations and an issue of the utmost importance for the Organization,

Recognizing that the work-load of the Centre for Human Rights has increased rapidly in recent years,

1. Takes note of the report of the Secretary-General on the situation and developments regarding the logistical and human resources support for the activities of the Centre for Human Rights, 17/ in particular the conclusion that the work-load of the Centre has increased, while resources have failed to keep pace with the increase in its responsibilities; 18/

2. Requests the Secretary-General to include in the proposed programme budget for the biennium 1992-1993, programme and resource proposals for long-term solutions of the problems posed by this situation, taking also into account the proposals contained in the report of the Task Force on Computerization, 19/ as well as in the study carried out by an independent expert on effective implementation of international instruments on human rights; 20/

17/ E/1990/50.

18/ Ibid., para. 59.

19/ E/CN.4/1990/39.

20/ A/44/668, annex.

3. Further requests the Secretary-General to submit to the General Assembly at its forty-fifth session a brief report on actions taken in 1990 and those planned for 1991, as interim solutions of these problems;

4. Decides to refer the report of the Secretary-General 17/ to the General Assembly at its forty-fifth session, the Commission on Human Rights at its forty-seventh session and the persons chairing human rights treaty bodies at their next meeting, for consideration.

31. The Second (Social) Committee also recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISIONS XXX AND XXXI

[For the text of draft decisions XXX and XXXI, see the report of the Committee on Economic, Social and Cultural Rights E/1990/23), chap. I.]

DRAFT DECISION XXXII

The Economic and Social Council takes note of the report of the Commission on Human Rights on its forty-sixth session. 21/

DRAFT DECISIONS XXXIII

The Economic and Social Council takes note of the report of the Committee on Economic, Social and Cultural Rights on its fourth session. 22/

DRAFT DECISION XXXIV

Situation in southern Lebanon

The Economic and Social Council, taking note of Commission on Human Rights resolution 1990/54 of 7 March 1990, 23/ endorses the request of the Commission to the Secretary-General to bring the resolution to the attention of the concerned Government and to report to the General Assembly at its forty-fifth session on the results of his efforts in that regard.

21/ Official Records of the Economic and Social Council, 1990, Supplements Nos. 2 and 2A (E/1990/22 and Corr.1 and Add.1).

22/ Ibid., Supplement No. 3 (E/1990/23).

23/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

DRAFT DECISION XXXV

Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

The Economic and Social Council, fully concerned about the protection of human rights in Cambodia, endorses Commission on Human Rights resolution 1990/9 of 19 February 1990 and reaffirms its decisions 181/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987, 1988/143 of 27 May 1988 and 1989/156 of 24 May 1989, in which the Council reiterated its call for the withdrawal of all foreign forces from Cambodia in order to allow the people of Cambodia to exercise their fundamental freedoms and human rights, including the right to self-determination as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981 24/ and in General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982, 38/3 of 27 October 1983, 39/5 of 30 October 1984, 40/7 of 5 November 1985, 41/6 of 21 October 1986, 42/3 of 14 October 1987, 43/19 of 3 November 1988 and 44/22 of 16 November 1989.

The Council notes the announced withdrawal of foreign forces from Cambodia and the subsequent reports that some foreign forces have returned to Cambodia. It affirms that a complete withdrawal of foreign forces must be verified by the United Nations within the framework of a comprehensive political settlement. It calls on all parties concerned to engage in negotiations aimed at bringing an immediate end to the conflict in Cambodia and achieving a comprehensive political settlement, providing, inter alia, for the restoration of the human rights of the Cambodian people, including their inalienable right to self-determination in free, fair and democratic elections under direct United Nations administration in which all Cambodian parties should be allowed to participate, and also ensuring a non-return to the universally condemned policies and practices of a recent past.

The Council expresses its grave concern at the unresolved problem of the Cambodian civilians still stranded in Thailand as a result of the continuing hostilities in Cambodia, caused by foreign armed intervention and occupation.

The Council also expresses its grave concern at the continued violations of fundamental human rights, the principles of international law and the Charter of the United Nations, perpetrated against the Cambodian people, particularly the shelling of Cambodian civilian camps along the border.

The Council requests the Secretary-General to report to the Council any further violations of human rights and of humanitarian principles perpetrated against the Cambodian people, and also requests him to continue to monitor closely

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24/ See Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

the developments in Cambodia and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement of the Cambodian problem and the restoration of fundamental human rights in Cambodia.

The Council stresses that any Government elected through free, fair and democratic elections in Cambodia should take effective measures to guarantee the human rights and fundamental freedoms of the Cambodian people.

The Council recalls the communiqués issued by the Ad Hoc Committee of the International Conference on Kampuchea on 17 January 1985 and 15 February 1985. The Council notes the visits undertaken by the Chairman and members of the Committee to a number of countries in 1989 in an effort to find a comprehensive political solution to the Cambodian problem. The Council also notes with appreciation the ongoing efforts of the Committee and requests that the Committee continue its work, pending the reconvening of the Conference.

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E

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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

Assistance to the Palestinian people

Note by the Secretary-General

1. In its resolution 43/178, the General Assembly had requested the Secretary-General to charge the United Nations Centre for Human Settlements (UNCHS) (Habitat) with the supervision of the development of the programme of economic and social assistance to the Palestinian people and to report to the Assembly, through the Economic and Social Council, on the progress made in implementing the resolution. Pursuant to that resolution, the Secretary-General submitted a note on assistance to the Palestinian people (A/44/637) to the General Assembly at its forty-fourth session. Annexed to the note was a report containing summaries of 26 project proposals, which had been identified by experts retained by UNCHS (Habitat), for inclusion in the programme of economic and social assistance to the Palestinian people.

2. Following its consideration of the note by the Secretary-General, the General Assembly adopted resolution 44/235 on assistance to the Palestinian people, in which it, inter alia, took note of the report annexed to the note by the Secretary-General and reiterated its call for the implementation of development projects in the occupied Palestinian territory, including the projects mentioned in Assembly resolution 39/223 (para. 7); called for treating on a transit basis Palestinian exports and imports passing through neighbouring ports and points of exit and entry (para. 4) and also called for the granting of trade concessions and concrete preferential measures for Palestinian exports on the basis of Palestinian certificates of origin (para. 5). The Assembly also requested the Secretary-General to report to the Assembly at its forty-fifth session, through the Economic and Social Council, on the progress made in the implementation of the resolution.

3. Pursuant to Assembly resolution 44/235, and on behalf of the Secretary-General, the Executive Director of the United Nations Centre for Human

Settlements (Habitat) wrote to the Administrator of the United Nations Development Programme (UNDP) forwarding the project proposals contained in the report annexed to the note by the Secretary-General (A/44/637) for consideration by the Governing Council of UNDP with a view to their inclusion in the UNDP Programme of Assistance for the Palestinian People. The Administrator was also requested to bring to the atttention of the Governing Council, for appropriate action, the projects mentioned in Assembly resolution 39/223. On behalf of the Secretary-General, the Executive Director of UNCHS (Habitat) also wrote to the Director-General of the General Agreement on Tariffs and Trade (GATT), bringing to his attention, for appropriate action, paragraphs 4 and 5 of General Assembly resolution 44/235.

4. Any actions taken by UNDP and GATT relative to the implementation of paragraphs 4, 5 and 7 of General Assembly resolution 44/235 will be conveyed to the Assembly at its forty-fifth session.